

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 7649**

**BILL NUMBER:** HB 1755

**NOTE PREPARED:** Jan 5, 2005

**BILL AMENDED:**

**SUBJECT:** Neglect of a Fetus.

**FIRST AUTHOR:** Rep. Thompson

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill provides that a woman who is pregnant and knowingly or intentionally introduces into her body a controlled substance without a valid prescription commits neglect of a fetus, a Class D felony.

**Effective Date:** July 1, 2005.

**Explanation of State Expenditures:** A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

**Explanation of State Revenues:** This bill makes it a Class D felony if a pregnant woman knowingly or intentionally introduces a controlled substance into her body and does not have a valid prescription or a practitioner's order for the controlled substance. If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class D felony is \$10,000.

**Explanation of Local Expenditures:** If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase.

**Explanation of Local Revenues:** If additional court actions occur and a guilty verdict is entered, local

governments would receive revenue from court fees.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**

**Fiscal Analyst:** Sarah Brooks, 317-232-9559.